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In re Application of
THOMPSON
Application No.: 10/516,807
Filing Date: 16 June 2004
For: SEATING FOR A VEHICLE

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is in response to applicant's correspondence filed 03 December 2004, and supplemented on 13 December 2004, in the United States Patent and Trademark Office (USPTO). The submission is being treated as a petition under 37 CFR 1.181. No petition fee is required

BACKGROUND

On 12 December 2002, applicant filed the international application, which claimed a priority date of 20 December 2001. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 20 June 2004.

On 03 December 2004, applicant filed the present petition, including, a copy of a transmittal letter, a copy of a deposit account authorization, a copy of a preliminary amendment, a copy of an international search report and a copy of a stamped postcard receipt.

DISCUSSION


Applicant has provided a legible copy of the receipt postcard which shows a USPTO date stamp, "DT07 Rec'd PCT/PTO 16 JUN 2004" and clearly identifies the documents detailed above, as well as listing the inventor, international application number and title. The filed transmittal letter and certificate of mailing identify the application as a PCT National stage application pursuant to 35 U.S.C. 371 and claim small entity status. The evidence is sufficient to establish that the national stage filing was received in the USPTO on 16 June 2004. Applicant's statement that, "We are requesting that this application be treated as an original filing" is being interpreted to mean that applicant certifies that the present filing is a true and complete copy of the papers originally filed 16 June 2004. If this is an incorrect interpretation applicant should contact the office of PCT Legal Administration immediately.

As authorized, all appropriate fees will be charged to Deposit Account No.: 16-2326.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventor is required.



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